BEFORE THE

PENNSYLVANIA PUBLIC UTILITY COMMISSION

PENNSYLVANIA PUBLIC UTILITY COMMISSION :

BUREAU OF INVESTIGATION AND ENFORCEMENT :

 :

 V. : DOCKET NO. C-2018-2523332

 :

BEKINS A-1 MOVERS INC :

TA ACE MOVNG & STORAGE :

125 STEWART ROAD :

WILKES-BARRE PA 18706 :

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement Prosecutory Staff hereby represents as follows:

1. That Bekins A-1 Movers, Inc., t/a Ace Moving & Storage, Respondent, maintains its principal place of business at 125 Stewart Road, Wilkes-Barre, Pennsylvania, 18706.

2. That Respondent was issued a certificate of public convenience authorizing transportation of household goods by this Commission on February 12, 2009 at Application Docket Number A-00108519.

3. That an informal complaint was filed at the Commission on January 12, 2016 for a move contracted by the Respondent from Wayne County, Pa. to Franklin County, Pa. that occurred on September 8 and 9, 2015.

4. That PUC Motor Carrier Enforcement Officers Barry Pacovsky and Robert Maholik met with Rick Herrington, General Manager, on February 10, 2016. He confirmed the timeline and activity of the informal complaint described above. Mr. Herrington provided the paperwork on file at Respondent’s office pertaining to the move at that time. The following violations were found:

1. The Information for Shippers form was not provided to the Complainant before the move.
2. The final charge was found to exceed the estimate and Complainant was required to pay the total bill at that time. Payment should have totaled the estimated amount plus 10% over the estimate or $25, whichever if greater, and allow 15 days following delivery to pay the remainder.
3. The final cost exceeded the estimated amount by more than 10%. An underestimate report was not filed with the Commission within 30 days after the quarter in which the move occurred. Amounts were assessed using an outdated tariff rate. Rates should be calculated using 13th Revised Page 58 of Tariff Freight PA PUC No. 51.

 5. That Respondent, by failing to provide the Complainant with the Information for Shippers form, violated 52 PA Code §31.121. The penalty is $250.

 6. That Respondent, by requiring full payment at completion of the job instead of the estimate quote plus 10% of the overage, violated 52 PA Code §31.123. The penalty is $500.

 5. That Respondent, by failing to file an underestimate report with the Commission, is in violation of 52 Pa. Code §31.124. The penalty is $100.

 WHEREFORE, the Bureau of Investigation and Enforcement Prosecutory Staff hereby requests that the Commission fine Bekins A-1 Movers, Inc., t/a Ace Moving & Storage, the sum of eight hundred and fifty dollars ($850) for the illegal activity described in this Complaint and order such other remedy as the Commission may deem to be appropriate.

 Respectfully submitted,

 

 David W. Loucks, Chief

 Motor Carrier Enforcement

 Bureau of Investigation and Enforcement

 P.O. Box 3265

 Harrisburg, PA  17105‑3265

VERIFICATION

I, David W. Loucks, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

Date: 1/4/2018 

 David W. Loucks, Chief

 Motor Carrier Enforcement

 Bureau of Investigation and Enforcement

**NOTICE**

 A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code §1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original **shall be mailed to:**

 Rosemary Chiavetta, Secretary

 Pennsylvania Public Utility Commission

 P.O. Box 3265

 Harrisburg, Pennsylvania 17105‑3265

 **Or may be sent by overnight delivery to:**

 400 North Street, 2nd Floor

 Harrisburg, Pennsylvania 17120

**Additionally, please serve a copy on:**

 Michael L. Swindler, Prosecutor

 Bureau of Investigation and Enforcement

 Pennsylvania Public Utility Commission

 P.O. Box 3265

 Harrisburg, Pennsylvania 17105-3265

Or, e-mail to Mr. Swindler at: RA-PCCmplntResp@pa.gov

 B. If you fail to answer this complaint within twenty (20) days, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty. The penalty could include a fine, the suspension or revocation of your certificate of public convenience or other remedy.

 C. You may elect not to contest this complaint by paying the fine proposed in this Complaint by certified check or money order. Payment must be made to the **Commonwealth of Pennsylvania** and should be forwarded to:

 Rosemary Chiavetta, Secretary

 Pennsylvania Public Utility Commission

 P.O. Box 3265

 Harrisburg, PA  17105‑3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

 D. If you file an Answer, which admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty.

 E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

 F. Alternative formats of this material are available for persons with disabilities by contacting the Commission’s ADA Coordinator at 717-787-8714.